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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,651	12/20/2001	Lee Codel Lawson Tarbotton	NAIIP055/01.228.01	2715
28875	7590	08/23/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			PYZOCHA, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 08/23/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/028,651
Filing Date: December 20, 2001
Appellant(s): LAWSON TARBOTTON ET AL.

MAILED

AUG 23 2006

Technology Center 2100

Kevin Zilka
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/13/2006
appealing from the Office action mailed 01/12/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

NEW GROUND(S) OF REJECTION

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over WFP in view of Rickey et al (US 20020166059) and further in view of Stevens (US 20020133702). This rejection was improperly rejected only under WFP in view of Rickey, when claim 31 depends from claim 8 which was rejected under WFP in view Rickey et al and further in view of Stevens and is hereby corrected.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

"Q222193 - Description of the Windows 2000 Windows File Protection Feature," Microsoft, 8 July 1999, pp. 1-5.

20020166059	RICKEY et al.	11-2002
20020133702	STEVENS	9-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9-20, 22-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Q222193 - Description

of the Windows 2000 Windows File Protection Feature”
(hereinafter WFP) and further in view of Rickey et al (US
20020166059).

As per claims 1, 14, and 27, WFP discloses identifying
factors associated with a computer; monitoring requests to write
to files on the computer; and conditionally preventing the
writes to the tiles on the computer based on the factors;
wherein the factors are altered based on the monitoring of the
requests (see pages 1-2).

WFP fails to disclose the preventing of writing is to
prevent virus proliferation.

However, Rickey et al teaches viruses entering a system
through critical files (see paragraph 63).

At the time of the invention it would have been obvious to
a person of ordinary skill in the art to use WFP's method of
blocking writes to files to prevent viruses from entering the
system as in Rickey et al.

Motivation to do so would have been to obtain higher
security (see Rickey et al paragraph 64).

As per claims 2 and 15, the modified WFP and Rickey et al
system discloses the factors are selected from the group
consisting of critical files, critical file locations, and
trusted applications (see WPF page 2).

As per claims 3-4 and 16-17, the modified WFP and Rickey et al system discloses the factors are user configurable and identified in a registry (see page 2).

As per claims 5-7, 18-20 and 28, the modified WFP and Rickey et al system discloses the factors include critical files and critical file folder locations associated with an operating system of the computer (see pages 1-2).

As per claims 9-11 and 22-24, the modified WFP and Rickey et al system discloses the factors are updated based on a user request, the factors are updated remotely, and the factors are updated based on the requests (see pages 2-3).

As per claims 12-13 and 25-26, the modified WFP and Rickey et al system discloses conditionally preventing the writes to the files on the computer based on a user confirmation and the factors are updated based on the user confirmation (see bottom of page 2).

As per claim 30, the modified WFP and Rickey et al system discloses the factors include a list of critical files such that the list of critical files is updated based on the requests (see WFP page 2).

Claims 8, 21 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified WFP and Rickey et al system

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as applied to claims 2 and 15 above, and further in view of Stevens (US 20020133702).

As per claims 8 and 21, the modified WFP and Rickey et al system fails to disclose the factors include trusted applications that initiate the requests.

However, Stevens teaches a trusted application (see paragraph 19).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Stevens' trusted application in the file protection system of WFP and Rickey et al.

Motivation to do so would have been to allow trusted applications to access protected information (see paragraph 19).

NEW GROUND(S) OF REJECTION

As per claim 31, the modified WFP, Rickey et al, and Stevens system discloses if one of the requests is initiated by an application that is not one of the trusted applications a user is alerted and allowed to at least one of prevent and permit the request initiated by the application (see WFP page 1 and Stevens paragraph 19).

(10) Response to Argument

WFP in view of Rickey et al.

Group #1: Claims 1-2, 4-7, 13-15, 17-20, and 26-27

Appellant argues the WFP fails to disclose factors are altered based on monitoring of the write requests. As described on page 4 of Appellant's specification, "the factors are selected from the group consisting of critical files, critical file locations, and trusted applications." Therefore the critical files of WFP are the claimed factors. WFP monitors a file system to determine when a file has been modified, and whenever a file is modified a write call occurs in the system and with every write call exists a write request, therefore, WFP monitors write requests. Once WFP determines a file has been modified to an incorrect version, the system replaces the file with the correct version, which is altering the file based on the modification, i.e. write request. Appellant further argues that restoring a file is not altering factors, however, since files are factors, as disclosed in Appellant's specification, changing a modified file to a correct version is altering that factor.

Appellant also argues that WFP occurs after a file has been modified and the limitation of preventing writes to a file cannot be taught by WFP. However, when a modification to a file

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protected by WFP is made that places it in an incorrect version, it is replaced with the correct version. This replacement is based on the determination that the file is an incorrect version, thereby preventing the incorrect version from being written. Wherein monitoring for modifications corresponds to monitoring write requests as discussed above.

Appellant further argues that WFP fails to disclose updating the factors based on the write requests because WFP discloses a file being replaced. Again the file is the factor and when the incorrect version of a file is detected it is replaced with the correct version based on the detection, i.e. the file is updated to the correct version. Wherein monitoring for modifications corresponds to monitoring write requests as discussed above.

Group #2: Claim 28

Appellant argues that WFP fails to disclose a least one of critical files and critical file locations are looked up based on requests to write to the at least one of critical files and critical file locations. WFP disclose that when a file is modified to an incorrect version, the correct version of that file is looked up and replaced with the correct version of the

file from a cache as shown on the bottom of page 1 to the top of page 2 and is therefore looked up based on the request to write.

Group #3: Claims 3 and 16

Appellant argues that WFP fails to disclose that the factors are user configurable. With respect to this argument on page 2 WFP states that the cache size can be adjusted by the administrator, therefore depending on the size of the cache a different number of factors will be stored and is thereby configurable by the administrative user.

Group #4: Claims 9, 10, 22, and 23

Appellant argues that WFP fails to disclose updating factors based on a user request and updated from a location via a network because WFP responds to modifications not requests and there is no updating. With respect to this argument the System File Checker tool, "gives an administrator the ability to scan all protected files to verify their versions" which is a user request to determine when a file is modified and whenever a file is modified to an incorrect version it is replaced with the correct version, i.e. updating the file, from a cache. This updating of files, from a cache, can be from either "a local

path or network path." Therefore, WFP discloses updating from a remote location via a network.

Group #5: Claims 12 and 25

Appellant argues that WFP fails to disclose conditionally preventing the writes to the files on the computer based on a user confirmation. However, as discussed above WFP prevents the writes to a file and when the file is not found in the cache the system prompts a user to insert the appropriate media to replace the file. When the user inserts the media the file with the correct version is copied from the media and replaces the incorrect version of the file in the system thereby preventing the writing of the file with the incorrect version. Since this situation can only be done with a user inserting the media it is based on the users confirmation of the prompt from WFP.

Group #6: Claim 30

Appellant argues that WFP fails to disclose the factors include a list of critical files such that the list of critical files is updated based on the requests. With respect to this argument when the cache does not hold all of the critical files specified on page 2, and a modification is made to a critical file not in the list, the media (Windows 200 CD-ROM) is inserted

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and the list now contains all the files and the list is thereby updated based on the modification which corresponds to the write requests as described above.

WFP in view of Rickey et al. and further in view of Stevens

Group #7: Claim 31

This claim is newly rejected over WFP in view of Rickey et al and further in view of Stevens. WFP teaches altering a user when a file is modified, which corresponds to the request to write, in order to replace it with the correct version and Stevens teaches allowing a trusted application access and therefore does not allow untrusted application access. So the combination teaches alerting the user to deny writing a file of an incorrect version from an untrusted application.

Claims 8 and 21

Appellant argues that system of WFP in view of Rickey et al. and further in view of Stevens fails to disclose the factors include trusted applications that initiate the requests. However, Stevens teaches that trusted applications attempting access (therefore requesting access) are granted the requested access. As stated it would be obvious at the time of the invention to one of ordinary skill in the art to include these

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trusted applications to initiate the requests of WFP. Therefore the modified WFP, Rickey et al, and Stevens system discloses the factors include trusted applications that initiate the requests.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a

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request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

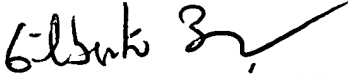
Respectfully submitted,

MJP

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:


Conferees:

Gilberto Barron


GILBERTO BARRÓN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Matthew Smithers




JAMES DWYER, DIRECTOR
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